

MAR 04 2008

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REMARKS

In accordance with the foregoing, claims 1, 11, 20, 23, and 24 are amended. No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

Claims 1-3 and 6-24 are pending and under consideration. Reconsideration is requested.

Claim Amendments

Independent claim 1 is amended herein to recite an input device "wherein said antenna is arranged inside each of said detachable upper covers at an uppermost portion of the housing, and a second of the plurality of said input parts is arranged on each of said detachable upper covers and detachable with the detachable upper cover from the first of the plurality of the input parts, . . . wherein the input device is a mouse-type input device and data is input to the first of the plurality of the input parts by an interaction of the first of the plurality of the input parts and a fixed surface." Independent claims 11, 20, and 23 are similarly amended. Dependent claim 24 is amended herein to correspond to the amendment made herein to parent claim 1.

Support for the amendments is found for example in paragraphs [0029], [0031], and [0054] of the specification.

No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

Traverse of Rejections

I. In item 2 of the Office Action, the Examiner rejects independent claims 1 and 20 (and dependent claims 2-3, 6, 14-19, and 21-22) under 35 U.S.C. §103(a) as being unpatentable over Thompson et al(5,809,433) in view of Rudisill et al(6,272,324) and Hattori et al(5,638,441). (Action at pages 2-5). The rejection is traversed.

Applicant submits that features recited by independent claims 1 and 20 (and respective dependent claims) are not taught by even an *arguendo* combination of the art relied on by the Examiner.

Independent claim 1, as amended herein, recites an input device including "an antenna arranged at an upper surface inside said housing and emitting a radio wave based on input information generated by at least one of said input parts, wherein said housing comprises: a case including a first of the plurality of the input parts, and a first detachable upper cover that is swappable with a second detachable upper cover, wherein said antenna is arranged inside each

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of said detachable upper covers at an uppermost portion of the housing, and a second of the plurality of said input parts is arranged on each of said detachable upper covers and detachable with the detachable upper cover from the first of the plurality of the input parts, wherein the input device further comprises: a communicating part provided to said case and supplying a transmission signal to said antenna, wherein said antenna is detachably connected to said communicating part by a connector and detachable from the case along with each of the detached upper covers, and wherein the input device is a mouse-type input device and data is input to the first of the plurality of the input parts by an interaction of the first of the plurality of the input parts and a fixed surface." Independent claim 20 has a similar recitation.

The Action concedes that Thompson does not teach "a detachable upper cover and a detachable antenna and the input part is arranged on each of the detachable upper covers." (Action at page 3, lines 11-12). However, the Examiner asserts that it would have been obvious to combine Thompson in view of Rudisill with Hattori to teach this features. (Action at page 3, line 13 - page 4, line 2).

Applicant submits that Thompson, even in an *arguendo* combination with Rudisill and Hattori, does not teach an input device wherein "a second of the plurality of said input parts is arranged on each of said detachable upper covers and detachable with the detachable upper cover from the first of the plurality of the input parts, as recited by claim 1, for example. By contrast, Thompson merely teaches:

A keypad 106 is positioned on front body housing section 105 such that keys 109 (only some of which are numbered) associated with the keypad are accessible for manual actuation by the user.

(See, for example, col. 3, lines 14-20).

The Examiner relies on Thompson's disclosure of keys covered in a close position as teaching a first of the plurality of input parts, as recited by claim 1, for example, and Thompson's disclosure of "keys exposed part" as teaching a second of the plurality of input parts, as recited by claim 1, for example. (See, for example, Action at page 2).

Applicant points out, however, that Thompson does not teach that the exposed keys are detachable from the covered keys.

Rudisill merely teaches a keypad 16. (See, for example, col. 3, line 10). Hattori merely teaches dial keys 7 and option keys 8. (See, for example, col. 3, lines 60-68). Thus, even an *arguendo* combination of Thompson with Rudisill and Hattori does not teach an input device wherein "a second of the plurality of said input parts is arranged on each of said detachable upper covers and detachable with the detachable upper cover from the first of the plurality of the

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input parts, as recited by claim 1, for example.

Further, Applicant submits that Thompson, even in an *arguendo* combination with Rudisill and Hattori, does not teach an input device including wherein the input device is "a mouse-type input device and data is input to the first of the plurality of the input parts by an interaction of the first of the plurality of the input parts and a fixed surface," as recited by claim 1, for example. By contrast, Thompson teaches:

The antenna system according to the invention is illustrated in a radio telephone 100 (FIG. 1) including a keypad cover, wherein the immediate invention is particularly advantageous. However, the invention may also be advantageously employed in other devices, such as one way and two way radios, personal communication devices

(See, for example, col. 2, lines 50-55).

That is, Thompson merely teaches a radio telephone. Likewise, Rudisill merely teaches a radiotelephone (See, for example, col. 1, lines 67-68) and Hattori merely teaches merely teaches a portable telephone apparatus. (see, for example, col. 2, lines 21-25). Applicant submits as understood in the art a radio telephone does not teach a mouse-type input device.

Summary

Since features recited by independent claims 1 and 20 (and dependent claims 2-3, 6, 14-19, and 21-22) are not taught by an *arguendo* combination of the art relied on by the Examiner, the rejection should be withdrawn and claims 1-3, 6, and 14-22 allowed.

II. In item 3 of the Office Action, the Examiner rejects dependent claim 3 under 35 U.S.C. §103(a) as being unpatentable over Thompson in view of Rudisill, Hattori and Chen (U.S.P. 6,373,469). (Action at page 5). Chen is relied on by the Examiner for teaching of Amplitude Shift Keying that is not taught by even an *arguendo* combination of Thompson in view of Rudisill and Hattori.

In item 4 of the Office Action, the Examiner rejects dependent claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Thompson in view of Rudisill, Hattori and Yrbanac (U.S.P. 5,708,458). (Action at pages 5-6). Yrbanac is relied on by the Examiner as teaching of Frequency or Phase Shift Keying communication that is not taught by even an *arguendo* combination of Thompson in view of Rudisill and Hattori.

In item 5 of the Office Action, the Examiner rejects dependent claim 10 under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Rudisill, Hattori and Lochner et al (2002-0677067). (Action at page 6). The Examiner relies on Lochner as teaching of

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Frequency or Phase Shift Keying communication that are not taught by an *arguendo* combination of by even an *arguendo* combination of Thompson in view of Rudisill and Hattori.

The rejections are traversed. Applicant submits that nothing is cited or found in these further suggested combinations that overcomes the deficiencies of Thompson as discussed in traversing the rejection of independent claim 1 and claims 3 and 8-10 depend.

Summary

Since features recited by dependent claims 3 and 8-10 are not taught by an *arguendo* combination of the art relied on by the Examiner, the rejection should be withdrawn and claims 3 and 8-10 allowed.

III. In item 6 of the Office Action, the Examiner rejects independent claims 11 and 23 (and dependent claims 12-13 and dependent claim 24 dependent on parent claim 1 as being unpatentable over Schneider et al (U.S.P. 6,356,243) in view of Rudisill. (Action at pages 6-7). The rejection is traversed.

Independent claim 11, as amended herein, recites a wireless input device "to be manipulated by a user via a first input part and a second input part, the input device comprising: a case; a first detachable upper cover that is connectable to the case to form an inside volume that is swappable with a second detachable upper cover; and an antenna, which is located at an uppermost portion of the inside volume, to wirelessly transmit a radio wave that comprises coordinate data to a receiving unit that is connected to a processing unit and detachable from the case along with each of the detached upper covers, wherein said first input part is arranged on the first detachable upper cover and detachable with the first detachable upper cover from the second input part, and wherein the input device is a mouse-type input device and data is input to the second input part by an interaction of the second input part and a fixed surface." Independent claim 23 has a similar recitation.

The Examiner asserts that Schneider disclosure of a mouse 130 having mouse buttons teaches a first input part, and a mouse inherently includes a mouse ball.

The Action further concedes that Schneider does not teach a cover with antenna is swappable with another cover. The Examiner relies on Rudisill as teaching this features and that it would have been obvious to have modified Schneider with the teaching of Rudisill "so a damage cover could be easy to repair or replace." (See, Action at page 7).

Applicant submits that the Examiner's assertion is not correct. In *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 127 SCt 1727, 167 LEd2d 705 (U.S. 2007), the U.S. Supreme

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Court held that in determining obviousness, it is necessary "to determine whether there was an apparent reason to combine the known elements in the fashion claimed" slip op. 14, 82 USPQ2d at 1396. Further, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR* at 1396, quoting *In re Kahn*. "

Applicants assert that the cited rationale is merely a conclusion and therefore fails to meet the standard articulated by the Supreme Court in *KSR International Co. v. Teleflex Inc.* Furthermore, in *KSR* the Supreme Court held that in determining obviousness, one "must ask whether the improvement is more than the predictable use of prior art elements according to their established functions" slip op. 13, 82 USPQ2d at 1396. Applicants traverse the rejection because the recited claims do not recite a predictable use of Rudisill according to its established functions.

By contrast, Rudisell merely discloses a hinged cover for a telephone. (See, for example, col. 4, starting at line 21). However, Schneider teaches a cordless device that is a mouse 130. (See, for example, col. 3, line 4, starting at line 47). Applicant submits that even in view of *KSR*, the Examiner is incorrect in his assertions that it is obvious for one of ordinary skill in the art to have modified a cover of a mouse with a hinged telephone cover.

Further, neither Schneider nor Rudisell, alone or in combination, teach a workable mechanism for input parts in the swappable cover as suggested by the Examiner.

Dependent claims 12 and 13 are distinguishable over the art as at least including features recited by parent independent claim 11.

Dependent claim 1 is distinguishable over the art relied on by the Examiner by including features recited by parent independent claim 1 that are not taught by an *arguendo* combination of Schneider and Heidell.

Summary

Since features recited by 11 and 23 (and dependent claims 12-13 and dependent claim 24 dependent on parent claim 1) are not taught by an *arguendo* combination of the art relied on by the Examiner, the rejection should be withdrawn and claims 11-13, 23, and 24 allowed.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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